

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DECLARATION OF REED N. SMITH IN SUPPORT OF MOTION TO DISMISS

I, Reed N. Smith, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am over twenty-one years of age, of sound mind and body, and am otherwise competent to testify to the matters stated herein. I am counsel for Defendant William Lee, in his official capacity as Governor of the State of Tennessee, and have personal knowledge of the facts stated herein.
2. Exhibit A, attached to this declaration, is a true and correct copy of Governor Bill Lee's November 1, 2023 Appointment Letter to Dr. Bhekumuzi Khumalo, appointing him to the Tennessee Board of Podiatric Medical Examiners.
3. Exhibit B, attached to this declaration, is a true and correct copy of Governor Bill Lee's November 1, 2023 Appointment Letter to Dr. Aaron Sorensen, appointing him to the Tennessee Board of Podiatric Medical Examiners.

Executed on January 8, 2024
Nashville, TN

/s/ Reed N. Smith
Reed N. Smith (BPR# 040059)
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served via this Court's electronic filing system on this 8th day of January 2024.

Daniel J. Turklay (BPR# 034600)
TURKLAY LAW
11205 Lebanon Rd #51
Mt. Juliet, TN 37122
P: (615) 838-5903
F: (888) 868-0014
daniel@turklaylaw.com

Joshua P. Thompson (CA Bar# 250955)
PACIFIC LEGAL FOUNDATION
555 Capitol Mall, Suite 1290
Sacramento, CA 95814
P: (916) 419-7111
JThompson@pacificlegal.org

Laura D'Agostino (VA Bar# 91556)
PACIFIC LEGAL FOUNDATION
3100 Clarendon Boulevard, Suite 1000
Arlington, VA 22201
P: (202) 888-6881
LDAgostino@pacificlegal.org

Attorneys for Plaintiff

/s/ Reed N. Smith
REED N. SMITH
Assistant Attorney General